

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

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JUDGE MAZZANT/JUDGE JOHNSON

After Plaintiffs failed to file a response, on September 27, 2018, the Magistrate Judge issued an Order (Dkt. #7) directing Plaintiffs to respond no later than October 4, 2018. In that Order, Plaintiffs were warned that pursuant to the Court’s Local Rules: “Failure to file a response creates a presumption that Plaintiff[s] do[] not controvert the arguments set out in the Motion.” *Id.* (citing E.D. TEX. LOCAL R. 7(d)). Thereafter, on October 4, 2018, upon Plaintiffs’ motion requesting an extension (*see* Dkt. #8), the Magistrate Judge extended Plaintiffs’ deadline to file a

response to October 18, 2018. *See* Dkt. #9. Plaintiffs did not file a response or request a further extension before, or after, the Magistrate Judge issued the Report.

Having received the Report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's Report as the findings and conclusions of the Court.

Therefore, the Motion to Compel Arbitration and Dismiss or Stay Proceedings (Dkt. #6) is **GRANTED**, and this case is **STAYED** pending resolution of the arbitration proceeding.

Each party shall bear its own costs.

IT IS SO ORDERED.

SIGNED this 23rd day of May, 2019.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE